

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICKY SAMUEL ANDERSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. 05-1441
	)	
	)	Judge Cercone
LAUREL LEGAL SERVICES.,	)	Magistrate Judge Caiazza
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on October 17, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Local Rule 72.1.4.

The magistrate judge's Report and Recommendation, filed on November 21, 2005, (Doc. 5) recommended that the Plaintiff's application for leave to proceed in forma pauperis (Doc. 1) should be denied and that he be required to pay the full filing fee of \$250.00 within twenty (20) days following the entry of the Memorandum Order or suffer dismissal of this action. The Plaintiff was allowed ten (10) days from the date of service to file objections and twenty (20) days from the date of service to pay the full filing fee of \$250.00. Service was made on the Plaintiff by First Class United States Mail delivered to the Mayview State Hospital, Bridgeville, Pennsylvania, where he is

currently residing. Objections to the Report and Recommendation were filed by plaintiff on December 12, 2005. The full filing fee of \$250.00 has not been received. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and Objections thereto, the following order is entered:

AND NOW, this 15<sup>th</sup> day of December, 2005;

IT IS HEREBY ORDERED that the Plaintiff's application for leave to proceed in forma pauperis (Doc. 1) is denied and that the complaint is dismissed. The Plaintiff may reopen this case within the applicable limitations period by the payment of the full filing fee of \$250.00.

The Report and Recommendation of United States Magistrate Judge Francis X. Caiazza, dated November 17, 2005 (Doc. 5) is adopted as the opinion of the court insofar as it recommends the dismissal of this action.



David Stewart Cercone  
U.S. District Court Judge

cc: Honorable Francis X. Caiazza  
United States Magistrate Judge

Ricky Samuel Anderson  
Mayview State Hospital  
1601 Mayview Road  
Bridgeville, PA 15017